



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/879,433	06/12/2001	Robert J. Crowley	BSC-009DV	4101

21323 7590 01/06/2004

TESTA, HURWITZ & THIBEAULT, LLP
HIGH STREET TOWER
125 HIGH STREET
BOSTON, MA 02110

EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 01/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
---------------	-------------	-----------------------	---------------------

EXAMINER

ART UNIT	PAPER NUMBER
----------	--------------

DATE MAILED:

NOTIFICATION OF NON-COMPLIANCE WITH 37 CFR 1.192(c)

The Appeal Brief filed 10/16/2003 is defective for failure to comply with one or more provisions of 37 CFR 1.192(c). See 1092 O.G. 33, July 12, 1988 and MPEP §1206.

Applicant is given a TIME LIMIT of ONE MONTH from the date of this letter or any time remaining in the period under 37 CFR 1.192(a) for filing a new complete brief. If a new brief that fully complies with 37 CFR 1.192(c) is not timely submitted, the appeal will be dismissed as of the date of expiration of the period provided by 37 CFR 1.192(a). No extension of this one month time limit may be obtained under either 37 CFR 1.136(a) or (b) but the original two-month period under 37 CFR 1.192(a) for filing the brief may be extended under 37 CFR 1.136(a) up to six months from the date of the Notice of Appeal.

1. ☒ The brief does not contain the items required under 37 CFR 1.192(c), or the items are not under the proper heading or in the proper order. (See explanation in box 8 below, if appropriate.)
2. ☐ The brief does not contain a statement of the status of all claims, pending or cancelled, or does not identify the appealed claims. 37 CFR 1.192(c)(1). (See explanation in box 8 below, if appropriate.)
3. ☐ The brief does not contain a statement of the status of each amendment filed subsequent to the final rejection. 37 CFR 1.192(c)(2). (See explanation in box 8 below, if appropriate.)
4. ☐ The brief does not contain a concise explanation of the claimed invention, referring to the specification by page and line number and to the drawing, if any, by reference characters. 37 CFR 1.192(c)(3). (See explanation in box 8 below, if appropriate.)
5. ☐ The brief does not contain a concise statement of the issues presented for review. 37 CFR 1.192(c)(4). (See explanation in box 8 below, if appropriate.)
6. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto. 37 CFR 1.192(c)(7). (See explanation in box 8 below, if appropriate.)
7. ☐ The brief does not present an argument under a separate heading for each issue on appeal. 37 CFR 1.192(c)(6). (See explanation in box 8 below, if appropriate.)

8. ☒ Explanation in support of items 1-7 above, if appropriate:

Applicant argues the separate patentability of claim 40 (see Brief on Appeal page 5, last full paragraph) but claim 40 is recited as standing alone falling with claim 14 in the grouping of claims

DAVID M. SHAY
PRIMARY EXAMINER
GROUP 330